

REMARKS

Applicant has rewritten **allowable claim 24** (24/15) in independent form, whereby Applicant respectfully requests Examiner Kayes now to **allow claim 24 and its dependent claims 25 and 27**.

Examiner Kayes issues the following three statutory prior art rejections:

- 1) Claims 15-19, 23 and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by (lacking novelty over) Koch '984;
- 2) Claims 20 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Koch '984 in view of Megner '569; and
- 3) Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Koch '984 in view of Megner '569 and further in view of Baumgartner '485.

These **traversals** are based primarily on the Examiner's (mis) interpretation of Koch's disclosure, in particular the Examiner's interpretation of Applicant's claimed "inclined" as being readable on the **perpendicular** orientation shown in Koch. More specifically, the independent parent claim 15 recites that the antenna rests on an outer face of the bezel element **in an inclined position** with respect to the plane in which the display device is located.

According to Webster's Third New International Dictionary, the word "inclined" means: "**having a slope...** from the vertical"; whereas the expression "inclined plane" means: "*a plane surface **that makes an oblique angle** with the plane of the horizon*" (the relevant pages of Webster's Dictionary are enclosed).

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On the **contrary**, in Koch, the antenna **stands upright**, i.e., **perpendicular** to the plane in which the display device 4 is located.

As already explained in the Amendment filed February 25, 2008, because of the fact that Applicant's antenna is in an "inclined" position with respect to the plane in which the display device is located, the antenna is oriented upwards in order to optimize reception of the GPS signals when the user turns his wrist to read data on the display device.

Rejection 1) requires that Koch disclose, either expressly or inherently, each limitation of each of claims 15, 19, 23 and 28, or in other words, that each of claims 15-19, 23 and 28 be **readable** on Koch's disclosure. Applicant respectfully submits that, as explained above, clearly such is **not** the case here, notwithstanding the Examiner's assertion to the contrary as presented in the last five lines on page 3 of the Office Action.

Even though Applicant has shown above that at least the modifier "inclined" prevents readability of parent claim 15 on Koch, if Examiner Kayes feels that it is absolutely necessary to do so, Applicant would insert the word "non-perpendicular" after the word "inclined", in the penultimate line of parent claim 15. If the Examiner feels that such an amendment would be desirable/necessary to avoid **readability**, Applicant respectfully requests Examiner Kayes to call the undersigned attorney to discuss the matter.

Thus, since claims 15-19, 23 and 28 are **not readable** on Koch, Applicant respectfully requests the Examiner carefully to reconsider and to withdraw rejection 1) above and to allow claims 15-19, 23 and 28.

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The same above-described deficiency in Koch's disclosure disqualifies Koch as a primary reference in rejections 2) and 3) above. That is, if for some reason a person of ordinary skill in the art were to modify Koch by using the materials of Megner as proposed by the Examiner, there would not be produced the subject matter of the dependent claims 20 (20/15) and 22 (22/20/15), or subject matter which would have rendered these claims obvious.

Therefore, Applicant also respectfully requests Examiner Kayes carefully to reconsider and to withdraw the rejection 2) above.

The same facts and arguments apply to claim 21 and rejection 3) above.

More specifically, even if for some reason a person were to modify the Koch/Megner combination "to connect the electronic module to the metal housing as taught by Baumgartner" as proposed by the Examiner, there would not be produced the subject matter of dependent claim 21 (21/20/15) or subject matter which would have rendered claim 21 obvious.

Therefore, Applicant also respectfully requests the Examiner carefully to reconsider and to withdraw rejection 3) above.

REQUEST FOR INTERVIEW

In summary, then, and for the reasons advanced above, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 102(b) and 103(a), and to find the application to be in condition for allowance with all of claims 15-25, 27 and 28; however, if for any reason the Examiner feels that the application is not now in condition for allowance, he is respectfully requested to **call the undersigned attorney** to discuss any

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unresolved issues and to expedite the disposition of the application. In particular, the undersigned attorney would like to have the opportunity to discuss with Examiner Kayes the question of whether the claim 15 words “in an inclined position with respect to the plane...” requires amendment to avoid (in the Examiner’s opinion) readability of claim 15 on Koch’s disclosure.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

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